

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-31 which were pending in the application, claims 6-10 and 12-31 were withdrawn and claims 1-5 and 11 were rejected in the Office Action. Pending claims 1, 3, and 5 and withdrawn claims 6-8 and 25 have been amended without adding new matter. Claims 2, 4, 9, and 11 have been canceled, without prejudice or disclaimer.

1. Objections to the Drawings and Specification

The Examiner objected to the drawings and to the specification for various formalistic reasons. All but one of these formalistic reasons has been resolved by the amendments made to the drawing and specification. However, with respect to the Examiner's objection to the inclusion, by reference, of the German priority application in paragraph [0085], Applicants note that M.P.E.P. § 608.01(p)(I) provides (with italic emphasis added):

Nonessential subject matter may be incorporated by reference to (1) *patents or applications published by the United States or foreign countries* or regional patent offices, (2) prior filed, commonly owned U.S. applications, or (3) non-patent publications however hyperlinks and/or other forms of browser executable code cannot be incorporated by reference.

Accordingly, as the priority document was incorporated by reference for the nonessential subject matter recited therein, the incorporation by reference was proper. Therefore, each of the Examiner's objections to the drawings and to the specification should be withdrawn.

2. Objection to Claims 1, 3, and 5 and Rejection of Claims 3 and 5 under 35 U.S.C. § 112, ¶ 1

The Examiner objected to claims 1, 3, and 5 for a formalistic reason which has been fully addressed by the amendments made to claim 1 and, therefore, the objection should be withdrawn.

The Examiner rejected claims 3 and 5 under 35 U.S.C. § 112, ¶ 2. Amendments have been made to the claims where appropriate. Reconsideration and withdrawal of the rejection is respectfully requested.

3. Rejections of Claims 1 and 3 under 35 U.S.C. § 102

Applicants traverse the Examiner's rejection of claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by each of JP 10-35,411 ("Ono"), U.S. Patent No. 6,105,894 ("Singer"), and U.S. Patent No. 6,416,008 ("Fujii"). As amended, claim 1 recites: "wherein the flange includes a curved slot for accommodating the pin."

Ono: With respect to Ono, the cavity 5b in the locking plate 5 (which may be analogous to the flange) which receives pin 50 is not "curved." Accordingly, Ono fails to teach or suggest each of the limitations of claim 1.

Fujii Similarly, with respect to Fujii, the cavities 22, 23 in the locking base 14 (which may be analogous to the flange) are not "curved." Accordingly, Fujii fails to cure the deficiencies of Ono.

Singer Finally, with respect to Singer, the axial bores 26 (which may be analogous to the cavities) in the profile head 14 (which may be analogous to the flange) are not "curved." Therefore, Singer fails to cure the deficiencies of Ono and Fujii.

Accordingly, as none of Ono, Fujii, and Singer (either alone or in combination) teaches or suggests each of the limitations of claim 1, none of the references can be used to reject claim 1 under 35 U.S.C. § 102(b). In addition, as claim 3 depends from claim 1, it is also allowable over each of Ono, Fujii, and Singer, without regard to the other patentable limitations recited therein. Therefore, the rejection of claims 1 and 3 under § 102(b) should be withdrawn.

4. Rejection of Claim 5 under 35 U.S.C. § 103(a)

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over any of Ono, Fujii, or Singer. As previously mentioned, each of these references fails to teach or suggest each of limitations of claim 1. In rejecting claim 5, the Examiner presents no additional reference to cure the deficiencies of Ono, Fujii, and Singer and, therefore, all of the arguments previously set forth with respect to the rejection of claims 1 and 3 are fully applicable to claim 5. Therefore, as claim 5 depends from claim 1, it is also allowable over each of Ono, Fujii, and Singer for at least the reasons previously set forth, without regard to the other patentable limitations recited therein. Therefore, the rejection of claim 5 under § 103(a) should be withdrawn.

5. Non-Elected Claims 6-8, and 10

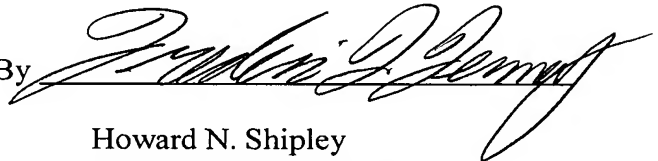
As each of non-elected claims 6-8 and 10 depends from allowable claim 1, each of these dependent claims is also allowable, without regard to the other patentable limitations recited therein. Accordingly, when issuing a Notice of Allowance, the Examiner is reminded to include claims 6-8 and 10 among the listing of allowed claims.

CONCLUSION

For the aforementioned reasons, claims 1, 3, 5-8 and 10 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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